

Appl. No. 10/079,103

Amdt. dated April 11, 2005

Reply to Office Action of January 14, 2005

REMARKS

Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Claim 65 has been amended for clarity. Claims 53-55 have been canceled. No new matter has been entered as a result of these amendments.

The Examiner has objected to the drawings under 37 C.F.R. §1.83(a) for failing to show every claimed element. With respect to claim 46, Applicants respectfully point the Examiner to Figure 3, which shows metallic stiffener 160 disposed between non-metallic stiffener 162 and inner liner 132. Claims 53-55 have been canceled. With respect to claims 65 and 67, the Figures clearly show a distal portion and a proximal portion. It is believed clear that the distal and proximal designations apply also to the inner liner and the outer cover. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 65-66 under 35 U.S.C. §112, second paragraph, as indefinite. Claim 65 has been appropriately amended, thereby rendering the rejection moot. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 44-52, 54, 55-57, 59-75, 77 and 79-86 under 35 U.S.C. §102(e) as anticipated by Samson et al., U.S. Patent No. 6,143,013. In order to anticipate, the cited reference must disclose each and every claimed element. Samson et al. fail to do so.

In particular, the independent claims (and hence the claims depending therefrom) describe an elongate tubular member that has a relatively stiff proximal section and a relatively flexible distal section. The proximal section includes both a metallic stiffener (or strand) and a non-metallic stiffener (or strand) while the distal section includes only the non-metallic stiffener (or strand) as the metallic stiffener (strand) terminates prior to reaching the distal section.

Samson et al. are silent as to disclosing the claimed invention. The reference does disclose, for example, that braids may include metallic elements and non-metallic elements. The reference does disclose, for example, that one braid may terminate at a given point while another braid continues onward. However, there is no express disclosure within Samson et al. that meets the claimed invention.

If the Examiner persists in asserting that Samson et al. disclose the claimed invention, Applicants respectfully request that the Examiner provide detailed citation as to where, exactly,

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she believes Samson et al. disclose the claimed invention. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 58 and 78 under 35 U.S.C. §103(a) as unpatentable over Samson et al., U.S. Patent No. 6,143,013. Samson et al. are distinguished above as failing to disclose the invention of claims 44 and 73. Claims 58 and 78 depend from, and further limit, these claims and thus are similarly patentable. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the rejection of claims 44-86 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-43 of U.S. Patent No. 6,386,316. Applicants note that the instant application claims priority to the aforementioned U.S. Patent, and thus the term of the instant application, under normal circumstances, is already limited by the cited patent. Thus, to facilitate prosecution, an appropriate Terminal Disclaimer is included herewith. Favorable reconsideration is respectfully requested.

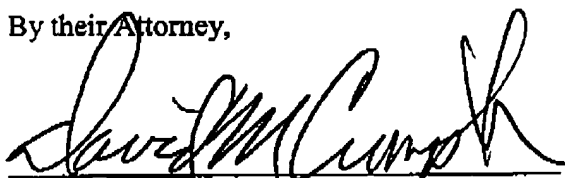
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Lex. P. Jansen et al.

By their Attorney,

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